

STILLWATER COUNTY COMMISSIONERS MINUTES

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes were approved and are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

REGULAR MEETING SEPTEMBER 8, 2015

Present: Commissioners Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant; Mark Schreiner and Randy Werdal, Road and Bridge Department; Jerry Friend, Treasurer; Carol Arkell, Fire Warden; Sheriff Clifford Brophy; Barbra “Bobbie” Protain, Sheriff’s Administrative Assistant; Stephanie Moodry, Environmental Health; Nancy Rohde, County Attorney; and Joe Morse, Finance Specialist. Others present: Rick Hanners, Stillwater County News, and Coralee Hicks. Absent: Commissioner Dennis Shupak.

Public Comments: Public Comment on matters within the Commissioners jurisdiction pursuant to §2-3-103, MCA, public comments will be accepted on any public matter that is not scheduled on the Agenda.

Comments:

1. Commissioner Dell stated for the record that the Commissioner’s Agenda Meeting location will be moving meeting to 1st floor to accommodate larger crowds and anyone with disabilities beginning next Tuesday, September 15, 2015.
2. Jerry Friend, Treasurer, stated he will be out of office the following week to attend the Treasurers Conference.

Minutes Approval: Commissioner Davey **MOVED** to approve the minutes of August 4, 2015, as corrected. Commissioner Dell **SECONDED**. Motion passed.

Regular Business

1. Commissioners
 - a. Resolution 2015-33 - Setting the salaries for Stillwater County personnel for FY 2015-2016. Commissioner Dell read the draft Resolution whereas the Commission establishes for all permanent employees an increase of 2% plus .50 cents per hour for FY 2015-2016, and longevity payments of \$2.00 per pay period for each year of service to Stillwater County. Time of Service shall be based on the nearest whole year of service and longevity will be recalculated on the employees anniversary date. This increase and longevity payments exclude elected officials, employees covered under agreements with bargaining units, sheriff’s deputies, and library employees – with some exceptions as noted on Exhibit A. If adopted the salary rates will be

retroactive to the first full pay period of July 2015, he said.

Commissioner Davey **MOVED** to adopt **Resolution 2015-33**, setting the salaries for county personnel for FY 2015-2016. Commissioner Dell **SECONDED**.

Discussion - Commissioner Davey said *after listening to all the department heads and Elected Officials during their budget meetings, we have taken into consideration those comments. Also looking at comparable counties, with their budgets and their mills, I think giving our employees a 2% increase plus .50 will help us compete in our local economy.* This gives our employees a fair increase, she said. Davey also expressed her appreciation of Stillwater county employees and all their efforts they make for our citizens in the county.

Coralee Hicks asked if this 2% is essentially a cost of living (COLA) increase. Joe Morse said COLA is 1.6% and this is 0.4% higher, and this is a 2% increase plus .50 rather than a cost of living.

Vote - Commissioner Dell called for a vote, Motion Passed. This resolution is on file with the Clerk and Recorder under Document No. 363325.

- b. Resolution 2015-34 - Commissioner Davey **MOVED** to adopt **Resolution 2015-34** which restates and clarifies the assessment, operation, maintenance costs, and sewer connection charges for the Absarokee RSID 5&7. Commissioner Dell **SECONDED**. Motion passed. This resolution is on file with the Clerk and Recorder under Document No. 363326.
- c. Petition to Abandon County Road - The Commissioners received a petition to abandon a portion of Theisen Road (County Road No. 198Y) which lies on the mutual boarder of Stillwater and Yellowstone Counties. The signatures have been confirmed and the petition deemed valid by Heidi Stadel, Clerk & Recorder.

Commissioner Davey **MOVED** to accept the petition as validated by the Clerk & Recorder. Commissioner Dell **SECONDED**. Motion passed.

Commissioner Davey **MOVED** to appoint herself and Heidi Stadel, Clerk & Recorder as road viewers; appoint Mark Schreiner, Road and Bridge Superintendent as Staff Advisor to the viewers; and notify Yellowstone County with a copy of the petition to begin the process. Commissioner Dell **SECONDED**. Motion passed.

2. Environmental Health Department

- a. Flood Plain Regulations - Commissioner Davey **MOVED** to set the public hearing on September 29, 2015, at 11:00 am and adopt the draft regulations no later than October 16, 2015. Commissioner Dell **SECONDED**. Motion passed. Stephanie Moodry, Registered Sanitarian, said a copy of the draft regulations will be available in the Clerk & Recorder's office for public review.
- b. Public Health - AmeriClean abatement contract submitted by County Attorney. The

Commission received correspondence from the County Attorney pursuant to the request from the County Sanitarian. The County Attorney reviewed the process on how to deem residential property a nuisance and require abatement for that nuisance. The county has authority under Section 37-30-301(2) and Section 50-2-118(5) MCA, to deem a residence a county nuisance and utilize an abatement process to protect the public, Nancy Rohde wrote. The County Attorney obtained an ex-parte order to deem a residence in Columbus, Stillwater County a nuisance because of the health risk to the public and first responder teams. The court has ordered an abatement process be utilized to remove the public health nuisance. AmeriClean has submitted a bid for the process.

Nancy Rohde, County Attorney, explained the situation to the Commissioners stating the residential home is posing a health risk to neighboring homes and first responders whom respond to the home on a regular basis. Rohde said it is unhealthy and dangerous for them. She said the homeowner isn't presently in the home and a hearing on the abatement is scheduled for September 17, 2015. Rohde said the costs up-front will be borne by the county and once the due process hearing is held we will go back and see what funds are available, whether the home is insured and explore options like that. She said this is definitely a costs that should be borne by the homeowner, but to follow through with the court order and follow the abatement process pursuant to the Health Board and Stephanie Moodry's authority, we need to just do it. Once the contract is signed, she said the abatement should take approximately 10-days. Rohde said the contract is in the amount of \$12,000. Commissioner Davey asked the County Attorney if the county has the authority to bill the homeowner. Rohde said the county does have the authority to issue a tax lien on the property.

She said during the due-process hearing, Adult Protective Services will assist with the discovery whether the home owner has insurance, mortgage, an income, these are the things that will come out in the hearing. The judge can then order different scenarios, and that will give us a better idea whether to go with a tax lien or not, she said. Following the hearing we will have a direction in which to go, she said.

Commissioner Davey **MOVED** to approve the AmeriClean abatement contract and issue a tax lien as soon as the due-process hearing is concluded.

Commissioner Dell **SECONDED**. Motion passed.

3. Treasurer - Jerry Friend, Treasurer, gave an update on Tax ID 30798 per action on August 25, 2015. He said the letter he wrote to the taxpayer resulted in the taxes being paid in full.

Special Issues

1. Stillwater River Road - Rockslide update - no updates at this time
2. 2015 Fire Season - Current status of fire conditions and/or fire restrictions within the county. Action will be taken if conditions warrant. Carol Arkell, Fire Warden, said she currently has the burning permit system shut down due to warm temperatures and no moisture. Small burns/fires in

contained fire rings are not affected by the permit system she said, as a permit is not required.

Consent Agenda

1. Commissioners

- a. Economic Development Committee Members reappointed to serve three (3) year terms: Travis West; Edward May; Webb Mandeville; Joe Cross; Don Schaffer; newly appointed member Andrew Forcier; Terry Nystal, Town of Columbus Member; and Sue Taylor, Beartooth RC&D Representative ex officio member.
- b. CTEP Columbus Pike Ave Project #STPE 48(44) UPN 8048 - Notice to Proceed to Winkler Excavating, Inc., Billings, MT.

File Items

1. Sheriff - fees collected for August totaling \$600
2. Justice Court - fees collected for July \$9,851 and August \$14,918.76
3. Clerk & Recorder - fees collected for August \$7,260.30
4. Human Resources - Retirement - Linda Aves, Solid Waste Site Attendant, effective Sept. 11, 2015.

Commissioner Davey **MOVED** to approve the Consent Agenda and place the file items to file.
Commissioner Dell **SECONDED**. Motion passed.

Meeting Adjourned: Hearing no further business, Commissioner Dell adjourned the meeting at 9:31 a.m.